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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

DIANA THEODORE,

Plaintiff,

v.

AMERICAN EXPRESS NATIONAL BANK,

Defendant.

No. 3:23-cv-03710-AMO

**DECLARATION OF SHAYNE C.
STEVENSON IN SUPPORT OF
STIPULATION AND [PROPOSED]
ORDER TO CONTINUE THE
MOTION TO COMPEL
ARBITRATION AND STAY ACTION
BRIEFING SCHEDULE**

1 I, Shayne C. Stevenson, declare as follows:

2 1. I am an attorney admitted pro hac vice in this matter and a partner with the law firm
3 Hagens Berman Sobol Shapiro LLP. I am part of the counsel team representing Plaintiff and the
4 putative class. I have personal knowledge of the facts in this declaration and, if called upon to do so,
5 could and would testify competently as to the matters set forth herein.

6 2. On July 26, 2023, Plaintiff commenced the above-captioned case against Defendant
7 (ECF No. 1).

8 3. On September 22, 2023, Defendant filed a Motion to Compel Arbitration and Stay
9 Action, which is set for hearing on February 29, 2024 (ECF No. 20).

10 4. The current deadline for Plaintiff to file a response to Defendant's Motion to Compel
11 Arbitration is this Friday, October 6, 2023, per Civil Local Rule 7-3(a).

12 5. If Plaintiff files a response to Defendant's Motion on October 6, 2023, Defendant's
13 deadline to file a reply is October 13, 2023, per Civil Local Rule 7-3(a).

14 6. Plaintiff requires additional time to respond to Defendant's Motion to Compel
15 Arbitration and Stay Action, which Defendant does not oppose.

16 7. During the standard response period, Claire Tonry and Knoll Lowney, co-counsel for
17 Plaintiff from the firm Smith & Lowney PLLC, have been and will be largely unavailable due to the
18 following commitments in other federal lawsuits.

19 8. On Tuesday, September 26, 2023, both counsel participated in a mediation before a
20 retired U.S. District Court Judge in Southern California in an attempt to resolve a matter pending in
21 the Eastern District of North Carolina.

22 9. On Thursday, September 28, 2023, Ms. Tonry attended a hearing and presented
23 argument in a separate matter in the Eastern District of North Carolina.

24 10. On Friday, September 29, 2023, Mr. Lowney participated in a mediation regarding a
25 matter pending in the Western District of Washington.

11. On Tuesday, October 3, 2023, both counsel will begin a mediation in New York City before a retired U.S. District Court Judge in an attempt to resolve a case pending in the Southern District of Ohio.

12. The parties have not previously requested any modifications of case deadlines or events, with the exception of a standard stipulation requesting that defendant's deadline to respond to the complaint be extended 30 days to respond by motion.

13. The modifications requested here in the parties' Stipulation and [Proposed] Order to Continue the Motion to Compel Arbitration and Stay Action Briefing Deadlines will have no effect on the remaining case schedule and will allow for full and complete briefing by the parties for the Court's consideration.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 2nd day of October 2023.

s/ Shayne C. Stevenson
Shayne C. Stevenson